

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
February 24, 2009**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Siegel, Smith (alt. for Sines), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

**MINUTES**

Ms. Hausch moved and Mr. Morse seconded the motion to approve the January 27, 2009 Public Hearing minutes as submitted.

Seven voted "Aye".  
Three abstained.

Mr. Schaedlich mentioned two corrections to be made in the January 27, 2009 minutes; one, in the first paragraph of page 5, the word "allowed" should be "allow" and the second was the word "but" in the second to the last sentence should be removed. On page 6, the last sentence should read "from", not "for" Mr. Webster's dedication.

Mr. Adams moved and Mr. Schaedlich seconded the motion to approve the January 27, 2009 regular meeting minutes with the aforementioned changes.

Seven voted "Aye".  
Three abstained.

**FINANCIAL REPORT**

Public Officials Directory Quotes

Ms. Hausch moved to accept the ReproCenter quote to print the 2009 Public Officials Directory from the five submitted quotes. Mr. Smith seconded the motion.

All voted "Aye".

January, 2009 Financial Report

Mr. Adams questioned the \$35.00 amount in travel on the report. Mr. Boyd said there was a subtraction error in the appropriations remaining column.

Mr. Morse moved to accept the January, 2009 Financial Report with the aforementioned correction and Mr. Smith seconded the motion.

All voted "Aye".

#### PUBLIC COMMENT

There was no public comment.

#### LEGAL REPORT

Mr. Eric Condon, Assistant Prosecuting Attorney, said there were no legal issues to report.

#### DIRECTOR'S REPORT

Mr. Boyd included a written report in the handout package tonight and brought the following items to the Commission members.

- The Lane Road Corridor Plan and the Eastlake Comprehensive Plan drafts went out to their respective stakeholder committees.
- The Madison Rt. 20 Corridor Plan should be adopted tonight by the Trustees.
- The Lake County Commissioners set the public hearing for the Subdivision Regulations updates for 10:00 a.m. on March 26, 2009.
- Our assistance has been requested from the City of Mentor to update their 1997 Comprehensive Land Use Plan. This would not be as labor intensive as other projects and Mr. Boyd is working on a price with the Chagrin River Watershed Partners at this time. He wanted to request approval to enter into a contract of around \$5,000, but will pursue this further. There was concern on how to determine the price, but the consensus of the Commission was to go forward with this project and develop a price package for future projects.
- Mr. Boyd stated that a survey will be mailed to the Planning Commission members in the next couple weeks to get their feedback and their thoughts on ways to make the meeting process go smoother concerning the information packets, presentations, etc. during the meetings.

#### ANNOUNCEMENTS

Mr. Boyd announced the fourth annual Northeast Ohio Planning and Zoning Workshop that Mr. Radachy has been spearheading will be held on Friday, June 5, 2009 at the Holiday Inn LaMalfa in Mentor from 8:30 a.m. to 3:30 p.m. The keynote speaker will be Dr. Ned Hill of Cleveland State University.

#### SUBDIVISION REVIEW

##### Subdivision Activity Report

Mr. Radachy said there were no subdivisions submitted this month. There were a couple subdivisions with questions at the Prosecutors for opinions.

#### LAND USE AND ZONING REVIEW

Concord Township – Proposed Text Amendment #1: Revise permitted use table, development standards, and purpose statements in Section XXII, District Regulations. Repeal existing Sections XXIII, General Business (B-2), XXV, Special Interchange (S), and XXVI, Manufacturing (M). Add reference to zoning districts in design standards, accessory use requirements, and landscaping and screening requirements in Section XXII, District Regulations.

Mr. Radachy said Concord Township submitted eight text amendments for review and they will be addressed separately. These text changes were created in response to the 2004 Concord Township Comprehensive Plan and the 2006 Auburn-Crile Corridor Study. These changes will affect Sections V, VI, XIII, XV, XVIII, XXII, XXIII, XXV, XVI, XXVII, XXIX, XXXVI, XXXVII, and XXXVIII. The changes will create two new zoning districts, repeal one district, consolidate permitted uses and lot requirements for three districts into an existing section, and revise the Conditional Use Section.

Mr. Radachy explained Amendment #1 combines Chapters 23, 25 and 26 into Chapter 22 and creates two new zoning districts, Town Hall Commons (THC) and Town Hall Neighborhood (THN) with new permitted and conditional uses for each district.

Amendment #1:

- Moves development standards and permitted & conditional uses from XXIII (B-2), XXV (S) and XXVI (M) into Section XXII (B-1, GB, BX, and RD-2 District Regulations).
- Section XXII will be renamed Commercial and Industrial District Regulations.
- Purpose Statements for B-2, S, and M are being added.
- Permitted & Conditional Uses are being revised.
- Proposed additional use types are Community Center, School, Outdoor Recreation, Hospice, Governmental Facilities, Police & Fire Services, and Detached Single-Family Cluster Development.
- Uses being removed from B-2 are restaurants, membership clubs, and indoor recreation. Uses being removed from M are membership clubs, veterinary services, and landscaping services.
- Repeal Sections XXIII (B-2), XXV (S) and XXVI (M) after all requirements have been moved to Section XXII. Nuisances and Areas Zoned by Amendment need to be checked to make sure the Township wants them eliminated.
- Town Hall Commons (THC) and Town Hall Neighborhood (THN) Districts and Purpose Statements were created.
- New Permitted and Conditional Uses were added.
- New lot, yard and & building requirements were created.
- Updated district references in Sections 22.06 to 22.08 and 22.11. This includes adding the moved section names, B-2, S and M and new district names THC and THN to list of districts covered by these regulations. This includes changed references to the new section name.
- Added references to Landscaping & Site Plan Sections.

The Land Use and Zoning Committee recommended B-2, S, and M be consolidated into Section XXII and the other sections to be repealed. They recommended the name change; the revisions, additions and deletions from the Use Table and Design Standards Table; the new Purpose Statements for B-2, S, and M; the creation of THC and THN Districts, including all the new uses, design standards, and purpose statements; and all the changes to Sections 22.06 – 22.08 and 22.11.

Mr. Zondag asked why they wanted to include government and churches in the mixed-use zoning and Mr. Radachy replied by reading that Goal F of the 2004 Comprehensive Plan states to establish a Town Center at the Intersection of Concord/Hambden Road and Ravenna Road “to provide a clear identity and preserve historic qualities, the Township should develop a Town Center at this location that would accommodate existing and new government facilities, as needed, and provide for a limited amount of supportive commercial activity.” The new text would fulfill this goal in regards to governmental uses and limited commercial activity. They went one step further and added churches into the text. The proposed commercial uses are currently allowed in the area, and the text changes would put more restrictions on those uses. The proposed single-family units are similar to those uses in Quail Hollow.

The building and lot specifications were also moved from Chapters 23, 25 and 26. Lot size and lot width were revised, and a maximum impervious surface was introduced in Chapter 22. THC and THN building and lot specifications were being created by this amendment. The chapter was being renamed from B-1, GB, BX, and RD-2 District Regulations to Commercial and Industrial District Regulations. The new title properly describes the chapter and is an easier reference than stating or writing the “B-1, BX, GB and RD-2 District Regulations”.

Staff stated Sections 23.03, 26.02, Nuisances, and sections 23.10, 25.10, 26.10, areas zoned by amendment, were not addressed in the text changes.

Land Use and Zoning recommended accepting text Amendment #1 with staff's suggested note on sections 23.03, 26.02, Nuisances, and sections 23.10, 25.10 and 26.10, areas zoned by amendment.

Mr. Boyd was concerned about the boundary lines shown on the planning maps from the office and asked them not to get tied to the geography shown. This is the study area used when trying to incorporate the comprehensive plan.

Mr. Siegel stated that right now they were submitting the verbiage and later on they will come up with the map.

Mr. Boyd stated that the red line shown on the PowerPoint was the study area.

Ms. Pesec questioned if, in the B section on Ravenna to the east, the town hall owns a lot of the property. The other side is mainly church and retail; otherwise there are mainly vacant lots. Section A is currently zoned manufacturing. Section A is the town hall neighborhood area and Section B is generally the town hall commons area.

Mr. Adams asked what the gain was for the Township. Mr. Boyd said the Township contacted the office based on implementing the 2006 Auburn-Crile Plan and their 2004 Comprehensive Plan where it clearly states to pursue the Town Hall Center at this intersection. They were researching the implementation of the plan and we were to look at the existing zoning in the area. The area marked A is zoned manufacturing; the area to the left of A is also zoned manufacturing and there are businesses there. The area with the A has been vacant. Across the street from the A, is zoned manufacturing as well but is physically unusable because of the buffer zone leaving a very narrow footprint. Section A has the potential of single-family cluster in that area. There could also be potential office buildings.

Discussion was opened to the public concerning Amendment #1.

- Ms. Stephanie Arnold of 11473 Concord-Hambden Road is one of the three largest landowners in the THN area. She was also representing her neighbor, Mrs. Betty Spear although she believed Mrs. Spear's land was totally unbuildable. They supported the goals of the Town Hall Center concept to provide a clear identity and to preserve historic qualities. They agreed the Township should develop a Town Hall Center at the intersection of Concord/Hambden and Ravenna Roads. The Comprehensive Plan says, "Overall, the Plan stresses preserving the low-density residential character of the Township while conserving open space, yet it also recommends economic development initiatives designed to preserve the Township's fiscal stability." The plan also states, "In terms of economic development, the Committee recommends that there be no major shift in land use patterns in the community in terms of the amount of land zoned for non-residential economic development as there are very few areas of the Township that would be appropriate for industrial or commercial expansion due to locational constraints or potential negative impacts on adjacent residents or natural areas." The Town Hall Center should be for government and recreation-related activities.

The following were their major concerns / objections:

- No More Cluster Homes - According to the survey and the Concord website, Concord already has enough (16%) detached single-family cluster homes. Painesville City does not have much more than this and the Township is much smaller.

- Keep All Commercial Property Zoning - The Plan said they did not recommend a shift in land use pattern. There is not enough of a tax base in Concord (only 8%) at this time and the THN committee seems to want to take what is actually commercial land and turn it into cluster homes. The Town Hall Neighborhood property is currently zoned manufacturing even though it is not exactly feasible from a manufacturing standpoint.

Mr. Boyd said the lines on the map were only proposed because Concord was just creating the text and then it would be applied to zoning. Ms. Arnold said it seemed pretty definite to her. To change this would go against the Comprehensive Plan. At the very least, keep the 92-8% ratio of commercial to residential.

Mrs. Arnold continued that they are taking two large chunks of land that are commercial in Concord and trying to put cluster housing, hospice center, an adult day care center or a gas station on this land. All of which are allowed someplace else in the township. She felt residential and nonprofit should not be on commercial property. The below points were also made by Ms. Arnold:

- Noise Levels - She complained about being able to hear the music from the Crile-Auburn corridor, which can be heard a mile away at Concord-Hambden Road from the restaurant there and felt outdoor seating would not be acceptable where bands could play until 2:00 a.m. This entire area is surrounded by residential.
- Density - Town Hall Neighborhood proposes cluster homes, at three homes per acre. The density of the majority of the surrounding residential area is one home per half acre. Quail Hollow is a separate entity onto itself as a PUD. The existing adjacent uses are all residential with regular housing zoned as an acre or one-half acre.
- Establish a Town Center at the Intersection of Concord/Hambden and Ravenna Roads. The reasoning was to provide a clear identity and to preserve historic qualities, that would accommodate existing and new government facilities, as needed, and provide for a limited amount of supportive commercial activity per the Comprehensive Plan. Somewhere along the way, this goal was mysteriously modified to include mixed-use development.
- A Walkable Pedestrian-Safe Environment - The geography, current land use and traffic patterns do not provide a walkable pedestrian-safe environment and allow the area to function in a mixed-use manner, like Hudson, Chagrin Falls, Crocker Park or Legacy Village.

Mr. Siegel asked how much property was involved in the section Mrs. Arnold owned. It was determined to include approximately 25+ acres.

Mr. Siegel stated that density was a zoning item, which will be the next step and was not being addressed tonight. He explained they were coming up with the verbiage, not doing a district change. The Township will do the district next.

Mrs. Arnold and the other owners felt the THC and THN concepts did not use mixed-use development correctly. This proposal is trying to use the planning principals of "Mixed-Use Development" to unify the greater town hall area. Unfortunately, it is not possible. Mixed-Use Development is misapplied to the THN. The currently proposed Town Hall Neighborhood is not a mixed-use development. It does not propose that commercial and residential be in the same building. Furthermore, the area designated as Town Hall Neighborhood isn't even adjacent to the Town Hall area. Finally, there is no pedestrian access anywhere along Route 608 or Ravenna Road, nor would it

be advantageous for the community to promote such activity, given the narrow roads, high speed limits and large volume of traffic.

Mr. Smith asked Mrs. Arnold if her objection was to the THN usage and she replied that was part of it. Mrs. Arnold stated that she did not want the current Manufacturing area where the three of them owned property to be rezoned to THN. She explained that the Town Hall Neighborhood as a walkable, pedestrian safe environment was another issue. Her son was killed from being hit on Concord-Hambden Rd. It is not a walkable environment. It is very dangerous.

Mrs. Arnold read the definition of mixed-use zoning according to the Association of Independent Planners. It is, from what she gathered, to help revitalize a city like Chardon and Chagrin Falls, etc., where you want to mix the use of business and residential to make it viable. It talks about the mixed-use area being in the same building. That is not the case here. She continued that a walkable, pedestrian safe environment for the Town Hall Center is possible.

Mr. John Arnold of 11473 Concord-Hambden Road was the next speaker. The proposed zoning text was too broad whether conditional or provisional. It should be made more concise.

Ms. Jackie Evangelista of 7104 Bridlewood Drive felt they should follow the Comprehensive Plan and keep the zoning ratio at least 8% commercial to 92% residential. This was important in establishing the Town Center. The zoning did not say anything about cluster homes, just a clear identity and historic quality. She did not understand how much we could do tonight to change these issues.

Mr. Siegel said the Commission makes a recommendation to Concord Township and it is then up to Concord and its Zoning Board to decide how to handle this.

Ms. Evangelista said they should not take away any of the commercial area now that they have sewers along the street. She would like to see it remain an income-generating area if possible.

Mr. Craig Cormack of 7220 Ravenna Road, owned property on the corner of Concord-Hambden Road that has been a garden center for about ten years, and stated when they first bought the place it was originally zoned B1 and B2 and Concord Township said they wanted uniformity so he was a good citizen and had it rezoned to B1. The THC would be even more restrictive. He agreed to sewers to be a good citizen. Now the property will be almost unusable with the buffer language if a child center was built near his mulch piles. He believed no thought was given to his business site. Cluster housing, hospice and other nonprofits do not enhance a township nor add to a tax base.

Mr. Smith stated, if this went through and your property was rezoned, the property would be grandfathered and would be considered a legal nonconforming use. Your property could always be used as it is now until you would decide to change the way it is used or sell it.

Mr. Brotzman was concerned if there would be some reclassification of his uses because of regulations if the uses were reclassified as a THN on Mr. Cormack's property. He stated there are the THC/THN portion and a clean up portion of our regulations. Mr. Cormack may be concerned that something is going to happen as they clean up their regulations or is this all THC/THN and that something was going to be put in next to him that would require a buffer on his property. There is no room for buffers. He would own the property and only be able to pay taxes on it which is unacceptable. He is already B1 restricted, and the THC is more restrictive in use. He feels it does not serve his behalf or the Concord Township community in the long run.

Ms. Pesec said the largest property holder in the area is Mr. Osborne. He tried to rezone this

area to multi-family a while ago but pulled back his request because it did not look as though it would go through. He came back a year or two later and Concord said no. This change would allow him to do that.

Mr. Boyd reminded the members that this text was more than just about cluster housing. In the Plan there are portions that talk about a mix of government, office, retail and even residential in this area. During the planning and brainstorming session of the Plan, retail was included, but was taken out at one of the meetings at Town Hall. The submission tonight was the Township's request for a recommendation. This Board is just a recommending body to Concord's Zoning Commission, who then votes and sends it to the Township Trustees for final acceptance. This body could make a recommendation of approval with a modification of the approval. The zoning map showed there was a mix of R1, R2, B2, M and R3. He believed the township was trying to achieve the goal of the Plan by thinking on a long-term basis. The Commission could recommend with an exclusion of cluster homes.

Mr. Zondag asked if this went into residential, how would it affect the ratio between commercial and a residentially-zoned property and Mr. Boyd said he would guess there would not be that much considering the RD2 and the Gateway business rezoning. If this project moved forward and if the north or south side goes as a cluster home use and is taken off the tax revenue, it may cut 20 acres off the books as far as potential commercial tax revenue. If this did develop as an office park, the ratio may flop the other way. It is hard to say at this point.

Mrs. Pesec said it was already in, so it would stay and would never enter in it. The other uses like residential, residence care and hospice are concerns because many times they may be non-profits and would not generate income. This was why the Township decided not to include these uses in the Gateway Business as well as in the BX District. They are currently allowed in other districts (B1 and B2), but by keeping them in only some areas where, if it goes nonprofit, you will not lose that much revenue to commercial. Adding it to the THN, where it is commercially zoned is problematic and goes against the theory and concept of why they kept it out of the Gateway Business District.

Mr. Smith stated that, under residential detached single-family cluster development in the plan survey, this was the only box marked and it is marked with conditional use. In all the districts in Concord, that particular use is a conditional use in the THN, so they are creating a whole new cluster area. Mr. Radachy said the single-family detached cluster currently exists in the R-3 and was not actually shown on this chart. This THN is another residential use option.

Mr. Smith moved to accept the Land Use and Zoning recommendations for Amendment #1 but would like to also recommend the Township consider deleting the sections on residential detached single-family cluster development as a conditional use in the THN district. Mr. Zondag seconded the motion.

Discussion began on residential versus business and Mr. Zondag called to question.

All voted "Aye".

Mr. Zondag moved for a break and Mr. Morse seconded the motion at 8:32 p.m.

All voted "Aye".

The meeting reconvened at 8:37 p.m.

### Amendment #2:

Mr. Radachy explained that Concord Township proposed to eliminate RD1. The Land Use and Zoning Committee recommended approval.

Mr. Morse moved to accept the recommendation to approve #2 as submitted. Mr. Schaedlich seconded the motion.

All voted "Aye".

### Amendment #3:

Amendment #3 was introduced by Mr. Radachy as being the Conditional Uses in Section 13 as follows:

- They are adding THC as a district that would allow restaurants (table and counter service), schools, churches/places of worship and outside dining. The THN District allows restaurants (table and counter service), residential care facility, hospice, and detached single-family cluster residential development.
- The township is updating the use of the design standards for residential care facilities, nursing homes, homes for the aged, and hospice care.
- B1 and B2 parking standards have the same type of requirements, so they are being combined into Section 13.07 I (1.c.)
- Provisions under 13.08 and 13.26 are being added for child and adult day care centers that clarify setback.
- Updating and clarifying building and parking distance requirements for churches and schools that will increase the rear line clearance to 25 feet to conform to the current parking standards.
- Section 13.26, adult day care references for the M District, is being added. B-2 is being added as a district for construction equipment sales and rental as a conditional use.
- Section 13.36, conditional use criteria for detached single-family cluster developments, was added. THN was also added to this section. Landscaping for parking lots has been modified to reference the new landscaping section. 13.07 L, Landscaping, has been modified to reference the landscaping section.

The Land Use and Zoning Committee recommended all text changes to Section 13 be accepted as stated above with the addition of a 50-foot setback between detached single-family cluster homes and nursing care facilities if the homes were built first.

Staff recommends that all drives be attached to the private road, not the main road.

Ms. Pesec stated there was a problem mentioned earlier with music and noise concerning outside dining (Section 13.35) late at night. She was hoping to consider recommending putting some conditions in this language.

Mr. Smith said, with restaurant as a conditional use, it would need to go before the Board of Zoning Appeals. It was confirmed that under conditional use, the Board could limit the hours of operation concerning the music.

Ms. Pesec moved to accept the recommendations of the Land Use and Zoning Committee with the addition of 50-foot setbacks and also to recommend that cluster homes have driveways attached to the private road, not the main road, and that Section 13.35, Outside Dining, have verbiage taking into account the outdoor bands, times of operations and noise levels, possibly by decibels. Mr. Smith seconded the motion.



Discussion – Ms. Pesec stated that setbacks in the THN were 30 feet from an adjoining property line when abutting a residential district and that being the case; no buildings could be closer than 50 feet. Mrs. Arnold and Mrs. Spears are in a manufacturing district that may be theoretically turned into a THN, which means they would only have a 30-foot setback. Mr. Radachy said Mrs. Spear would have a 40-foot sideline clearance and a 30-foot setback if abutting any residential district or residential use.

Mr. Smith retracted his second to the motion.

Ms. Pesec added to her motion to also add “3c” after Section 13.36D3b stating “When abutting any residential district or use, you would have to put a 40-foot setback from the project boundary”.

Mr. Smith seconded the motion.

All voted “Aye”.

Amendments #4 and #5:

Mr. Radachy explained that Concord Township’s Amendment #4 added new definitions to Section V for newly permitted uses for cluster development, common areas, detached single-family cluster development, governmental facility, hospice care facility, hospice care program, and outdoor recreation.

Amendment #5 added references for the THC, THN, and S (Special Interchange District) in Sections 6.03, General Requirements, and the Performance Standards in Section 6.12. It also removed RD-1 from Sections 6.03 & 6.12 and deleted references to it.

These changes were made because of Amendment #1 and #2.

The Land Use and Zoning Committee recommended the text changes be made for Amendments #4 and #5 as stated above.

Mr. Morse moved to accept the recommendation of the Land Use and Zoning Committee and Mr. Smith seconded the motion.

All voted “Aye”.

Amendments #6 & #7:

Amendment #6 to the Concord Zoning Text would add “hospice care facility” to Section XV, R-1 Residential and Section XVIII, R-4 Residential under the list of conditionally permitted uses.

Amendment #7 would add/revise parking space standards in Section XXIX for the following uses: residential care facility/nursing home/ home for the aging/hospice care facility; governmental facility/police and fire services; postal service; and outdoor recreation. They are also adding THC and THN Districts to parking setback requirements in Section 29.12 and deleting references to the RD-1 District being repealed.

Staff said these changes needed to be made because of Amendment #1 and Amendment #2.

The Land Use and Zoning Committee recommended the zoning changes to Amendment #6 and #7 be made.

Mr. Brotzman moved to accept the recommendations of the Land Use and Zoning Committee and Mr. Adams seconded the motion.

All voted "Aye".

#### Amendments #8:

The following zoning text changes were submitted for review by Concord Township:

- Add THC & THN to the site plan review, design standards, and landscaping & screening sections.
- Add that the basic building elements in the THC & THN districts shall be consistent with the Western Reserve Style of Architecture in the design standards. Proposed detached single-family cluster developments conditionally permitted in the THN District shall be excluded from the design requirements set forth in Section XXXVII.
- Remove the 3% depth requirement on long walls in the design standards.
- Include THN, THC, B-2, S & M Districts in the references under Section 38.09, screening to adjacent residential districts.
- Add a reference for landscaping and screening for commercial adjacent to a residential use in the THN District in 38.09.
- Add THN and THC to the fence requirement section.

Staff stated that site plan review is being amended based on Amendment #1. The design standards section is being amended to require the THN and THC to be built in the Western Reserve Style. There is also a change in the long wall to allow for more freedom of the owner to adhere to the regulations based on applicability issues with recent site plans.

Mr. Radachy stated that the Land Use and Zoning Committee was concerned that churches were allowed in the THC District and not the THN. The Township is allowed to regulate where churches go to a certain point. If there are similar uses, such as schools, used as a gathering place then churches would also be allowed.

The Land Use and Zoning Committee recommended accepting the submitted text language with the addition of a 50-foot setback between detached single-family cluster homes and nursing care facilities if the homes are built first.

Ms. Pesec stated that throughout the section on landscaping, different trees are mentioned, but it's not year-around protection.

Mr. Zondag was unhappy with the landscaping section. He said there was no statement as to who would make the determination when reviewing plans. If landscaping is to be put into the zoning requirements, he stated they should be put in with vegetation that is right for this region. He suggested swales for water issues instead of trees because they will not survive nor help the environment if they were not put in properly and the materials that are suggested are not practical. He mentioned that no one had contacted any of the people he suggested in the past with a request to consult him. We can help them if they want it. Something different is needed.

Mr. Smith stated he would support a recommendation that they strongly consider consultation.

Mr. Boyd asked for direction to the staff on how to get back to the townships on a professional level. A model of landscape regulations may be well received.

Mr. Zondag moved to recommend accepting all the text changes in Amendment #8 except the landscaping section and to rewrite or remove the language according to a professional. Mr. Brotzman seconded the motion.

There was some discussion on how to word the landscaping aspect of the amendment to stimulate discussion from the Township so that they can see that we are concerned. A letter could be sent to offer our assistance on getting help from professionals. It was suggested to address more specific parts of the text language.

Mr. Brotzman removed his second.

Mr. Zondag changed the motion to be more specific and read "...to remove or rewrite Landscaping Sections 38.03 to 38.09 according to a professional." Mr. Brotzman seconded the motion.

Nine voted "Aye".

One opposed.

There was a short discussion on the need to set a standard on landscaping and a discussion on what needs to be done to get this done. There is a book in the Commission library that could help.

Mr. Boyd stated that township zoning concerns the health and safety of the people. He suggested someone sit down and write the language and then have the Prosecutor's office review it. If it is not in the Ohio Revised Code (ORC), we have no authority to be addressing it. Mr. Condon said the ORC would need to be quoted completely for him to comment.

#### Madison Township – Proposed Text Amendments to Section 125.11

Mr. Radachy explained that Madison Township wanted to prohibit livestock from lots that were less than one acre. Last month, Madison Township proposed to put the language into A-1, R-1 and R-2 text. The Land Use and Zoning Committee recommended that the change take place. After the meeting, staff discovered that Madison Township had language that referenced the same section of law in their Section 125.11. In Section 125.11, Madison Township was regulating the location of agriculture buildings through ORC 519.21 (B), which was the same section they wanted to site for prohibiting livestock. Staff noted this at the Planning Commission meeting and it was recommended that the Township add the prohibition of livestock to Section 125.11 instead of the A-1, R-1 or R-2 Chapters.

The Township took that recommendation and made some modifications. They decided that their modifications were too far away from the recommendation, so they chose to have another public hearing and resubmit it to the Planning Commission. The proposed language now reads:

*The Township chooses to regulate farm animals in these areas. The following shall be prohibited: raising, breeding, dairying or maintaining farm animals/livestock such as horses, pigs, cows, sheep, goats, and other similar livestock or fowl. Excluded are companion animals, chickens, a maximum of six (6), no roosters and must be contained and rabbits in hutches are allowed.*

The Land Use and Zoning Committee recommended accepting the text change with the addition of a definition for companion animals.

Mr. Zondag was concerned that this would prohibit 4H kids from raising goats, sheep and pigs on their property of one acre or less.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee and Mr. Brotzman seconded the motion.

All voted "Aye".

Mr. Radachy said there was a resolution of appreciation for Ed Hazel representing Leroy Township who resigned from the Land Use and Zoning Committee. Leroy Township recommended Mr. Jeff Kenyon as his replacement. He is on their Zoning Commission. Ms. Pesec said she thought there would be a conflict of interest in making this appointment because he would be recommending on something he would be voting on in a Zoning Commission meeting.

Mr. Boyd brought up a suggestion regarding the Land Use and Zoning Committee. There are no bylaws, policies or chairman for the Committee. The staff would like to formalize a process for it and set up bylaws. Mr. Morse said he was placed on Land Use and Zoning to represent the Commission and was a tiebreaker vote because he wanted to stay on the Committee. Mr. Siegel wanted that Committee to be more organized.

Mr. Siegel asked Mr. Condon to provide a legal opinion on the conflict of interest of appointing someone from a Zoning Commission to the Land Use and Zoning Committee. The appointment of Mr. Kenyon to the Committee was tabled for verification from legal counsel.

#### REPORTS OF SPECIAL COMMITTEES

There were no reports of Special Committees.

#### CORRESPONDENCE

##### Subdivision Plats and Hydric Soils Memo

Mr. Boyd reported on meetings and conversations he had with other County agencies regarding the Subsurface Drainage Taskforce and the subsequent request sent to the Commissioners adding warning language onto a subdivision plat to protect the potential buyers on hydric soils and high water table issues. Assistant Prosecutor, Ms. Nocero, said the Planning Commission could not do this, but the Building Department could. The staff was given permission by the County Commissioners to pursue this issue further. Mr. Boyd met with the Building Inspector and the Lake County Soil and Water Conservation District (SWCD) last week. He reported the Building Inspector was very concerned that he would potentially have to enforce a rule that technically came from the Planning Commission.

The State of Ohio's Building Code would have to be changed to incorporate this warning statement through the Lake County Building Regulations. The State of Ohio's Building Code is not amended on a county-by-county basis. We would have to justify to the State in Columbus about a horrendous water problem that would require the change of a state code based on this stipulation. The Building Inspector agreed with the concept, but was very uncomfortable with having to recommend putting language regarding hydric soils on the plat through the Lake County Building Department Regulations. Mr. Boyd said the Planning Commission staff suggested using an alternative approach to this situation based on discussions they had as a group to accomplish the same objective of warning the citizens. These action items are listed on a letter in their handout tonight. This topic could be introduced at the pre-application meetings to the developer with impacts and potential solutions to existing soil conditions being discussed in the design phase, work with the SWCD and Geographic Information Systems (GIS) department to implement a hydric soil and high water table soils layer on the internet along with a series of fact sheets, provide a better and more efficient share of agency subdivision review information, and possibly conduct semi-annual or quarterly meetings with all departments involved in the development process.

Ms. Pesec did not think the potential buyer would be receiving the information or education and only those who are already aware of the potential problem would.

Mr. Boyd said the staff or Planning Commission members would have to lobby in Columbus to get the codes changed. He asked for the members to look over the memo and possible solutions it mentioned and let him know where they want the staff to go with this issue.

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENT

ADJOURNMENT

Ms. Hausch moved to adjourn the meeting and Mr. Schaedlich seconded the motion.

All voted "Aye."

The meeting adjourned at 9:30 p.m.